

*The court adopted this new Internal Operating Procedure effective June 10, 2003:*

6 Cir. I.O.P.

- (e) **Rehearing of Motions Panel Decisions.** Petitions seeking rehearing en banc from an order of the court that disposes of the case on the merits or on jurisdictional grounds will be circulated to the whole court. Petitions seeking rehearing en banc from an order of the court that does not dispose of the case either on the merits or on jurisdictional grounds will be treated in the same manner as a petition for panel rehearing, i.e., they will be circulated only to the panel judges. The court will, however, circulate among all active judges, for a determination of whether or not the matter should be reheard by the en banc court, petitions for en banc review of:
  - (i) Orders entered in death penalty cases in which a scheduled execution is imminent;
  - (ii) Orders allowing or disallowing appellate review pursuant to Fed.R.Civ.P. 23(f) of interlocutory grants or denials of class certification made by a district court;
  - (iii) Orders denying in full or in part an application for a certificate of appealability under 28 U.S.C. §2253(c); and
  - (iv) Orders allowing or disallowing appellate review of interlocutory orders that the district court has certified as appealable under 28 U.S.C. §1292(b).